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Records of the Supreme Court

December Term 1851 + 2

United States Supreme Court began and held at the Court House in Oregon City in Oregon Territory December Term A.D. 1851

Be it remembered that at a term of the United States Supreme Court, began and held at the Court House in Oregon City, December 1st A.D. 1851, there was present the Hon Thomas Nelson Chief Justice, the Hon William Strong one of the associate Justices, and Allan C. Millar clerk. — The Marshall Joseph L. Meek. having by order of the Court duly opened the Court the following proceedings were had to wit:

On motion, Columbia Lancaster, A. E. Wait E. Hamilton, John A. Preston, and Alexander Campbell were by order of the Court duly admitted as attorneys, Counsellors, and Solicitors of the United States Supreme Court, in and for the Territory of Oregon, upon their taking the usual oath of office, and signing the rolls of the Court which was done.

A motion was also made to admit W. W. Chapman as an attorney Counsellor & Solicitor of this Court, but it appearing to the Court that there was a rule of the records of the late Judicial Court, of Washington County, suspending him from practice for the term of two years, the Court record the case for further consideration

2

✓

Amos Short
Plff in Error
vs
Francis Ermatinger
Deft in Error

Writ of Error

Now on this day the Plaintiff in error by A. C. Dait Esq his attorney comes and files his objection to the hearing, entertaining or otherwise disposing of, this case by the Honorable Thomas Nelson Chief Justice of Oregon Territory and the Hon William Strong associate Judge thereof, at Oregon City upon the ground, that the same can not be heard determined and acted upon only by a Majority of the Judges of said court, convened for the purpose of holding a term thereof, at the Seat of Government, which said Seat of Government has been duly and legally established, and now is at Salem in said Territory.

After hearing W. H. Chapman in opposition to said objection, the court reserved the case for further consideration, and decision

Whereupon by order of the Court the Marshall adjourned the Court till tomorrow Tuesday morning December 2nd A. D. 1851 at 10 o'clock A. M.

Tuesday morning 10. oclock A.M. December 2nd A.D. 1851.

Court met pursuant to adjournment present as of yesterday, when the following proceedings were had & Entered.

Amos Short
Plff in Error
vs
Francis Ermatinger
Defft in Error

Now on this day Judges Nelson and Strong, having delivered their written opinions, in regard to the objections filed by the plaintiff in Error in this case, it is ordered by the Court that the same be, and hereby are overruled

Ambrose Fields
Plff in Error
vs
Robert Moore
Defft in Error

Now on this day the defft in error by A. Campbell Esq his atty comes and files his motion to have this cause dismissed on the ground that there is no writ or other valid process in the cause to give the Supreme Court jurisdiction in this cause.

After hearing the arguments of counsel the court, reserved the case for further consideration

and decision

Whereupon by order of the Court the Marshall adjourned the court till tomorrow morning December 3rd A.D. 1851, at 10. oclock A. M

Wednesday morning December 3rd 1851 Court met pursuant to adjournment — Present as of yesterday when the following proceedings were had to wit;

Ambrose Fields
Plff in Error
vs
Robert Moore
Deft in Error

Error from Dist Court of Washington County

Now on this day this cause being called, it is ordered by the Court, that the motion to have this cause dismissed, filed by the defendant in error, &c. and the same is hereby denied —

In the matter of the application of W. W. Chapman to be admitted as an Attorney Counsellor and Solicitor of this Court, it is ordered by the Court that he be admitted as such Attorney Counsellor and Solicitor of this Court upon his taking the usual oath of office and signing the rolls of said Court which was done —

On motion it was further ordered by the court that William D. Matlock, and Jesse Quinn Thornton be admitted as Attorneys Counsellors, & Solicitors of the United States Supreme Court of Oregon Territory upon their taking the usual oath of office and

signing the rolls of this Court, which was done—

Whereupon by order, the Marshall adjourned the Court till tomorrow Thursday morning at 9 oclock

Thursday morning 9 oclock. December 4th A.D. 1851— Court met pursuant to adjournment— Present as of yesterday, when the following proceedings were had to wit

On motion it is hereby ordered by the Court that Simon B. Marye, and David B. Brenan be duly admitted as Attorneys, Counsellors and Solicitors of the Supreme Court of the United States in and for the Territory of Oregon upon their taking the usual oath of office, and signing the Rolls of this Court which was done

Whereupon by order the Court was adjourned till tomorrow Friday morning at 9 oc.

Friday morning December 5th A.D. 1851. 9 oclk Court comes pursuant to adjournment, present as of yesterday, when the following proceedings were had to wit—

On motion it is hereby ordered by the Court that Cyrus Olney be duly admitted as an Attorney & Counsellor at Law, and Solicitor in Chancery of the Supreme Court of the United States, in and for the Territory of Oregon upon his taking the usual oath of office, and signing the Rolls of this Court which was done

Whereupon by order the Court was adjourned till tomorrow morning December 6th A.D. 1851 at 11 oclock

6

Saturday morning December 6th A.D. 1851 11 oclock — Court convened pursuant to adjournment, present as of yesterday, when the following proceedings were had to wit

E. W. W. Chapman Plff in error vs. Stephen Coffin Deft in error — Error from Dist Court of Washington County

Now on this day, the plaintiff in error having filed his petition for a writ of error it was ordered by the Court that the writ of error be allowed which was and the cause was by order of the Court continued —

E. Henry S. Adair Plff in Error vs. James Frost Jr & John Adair — Error from Dist Court of Clatsop County

Now on this day the Plaintiff in error by E Hamilton his attorney comes and files his petition for a writ of error, which was by order of the court allowed and the cause continued

Whereupon by order the Court was adjourned till Monday ~~morning~~ December 8th at 2 oclock P.M.

Monday December 8th 1851 2 oclock P.M. Court met pursuant to adjournment — Present as of Saturday when the following proceedings were had to wit:

E

Gabriel Winter &
Benjamin G. Lattimer
Plffs in Error
vs
Zachariah C. Norton
Deft in Error

Error from Dist Court of
Washington County

Now on this day this cause being called in its order upon the Callender, and the plaintiffs by A. E. Waite their attorney having filed their motion for a rule upon the Clerk of the District Court of Washington County, it is ordered and adjudged by the Court, that the said Ralph Wilcox, clerk of the District Court for the County of Washington, make due return of and to the writ of Error issued in this cause, and file the same with the clerk of this Court, on or before sixty days from and after the service of this rule, and also within the time aforesaid upon reasonable demand and the payment of the costs of the same make out and deliver to the said plaintiffs in Error or their Attorneys of record a full and perfect transcript of the records & proceedings of the cause in the court below duly certified, and in default thereof that the said Ralph Wilcox appear in this court on the first day of the next term thereof to wit on the first Monday of December next, and show cause if any cause he can show, why a Mandamus compelling him to make return of and to said writ, and also to make out and deliver to the said plaintiffs in error or their Attorney a full and perfect transcript of the records and proceedings in the Court below should not issue out of this court against him, and it was also further ordered by the court that this cause be continued

8

Stephen Johnson
Lucile Johnson and
Phillips Johnson
plffs in Error
vs
James A. J. Miller

Error from Dist Court of
Washington County

The same rule upon the Clerk of the district Court of Washington County, was by order of the Court entered in this, as in the preceding case and the cause was also ordered to be continued

In the matter of the application of H. H. Chapman for writ of Error &c

Error from Dist Court of
Washington County

The same rule upon the clerk of the District Court of Washington County, was by order of the Court, entered in this as in the preceding case and the cause was also by order of the Court continued

Daniel N. Lancaster
Stephen Coffin
plffs in Error
vs
La Fayette Maynard
deft in Error

Error from District Court of
Washington County

No. 12.

Amos M. Short
Plff in Error
vs
Francis Ermatinger
Deft in Error

Error from Dist Court of
Clackamas County

done on this day came the parties by their attorneys and the plaintiff in error by W. W. Chapman his attorney filed his assignment of error to which the defendant in error by A. E. Wait his attorney filed his joinder, and argument of counsel having thereon had, and the transcript of the record and proceedings filed in this cause having been seen and inspected, the court is of opinion that there was error in the judgment of the court below, and that the same should be reversed. Therefore it is ordered and adjudged by the Court, that the judgment of the District Court rendered in this cause be and the same is hereby reversed, and that the Plaintiff have and recover of the said defendant his costs by him in this behalf expended.

10

E
No. 13.

Robert Moore
Deft in Error
ads
Ambrose Fields
Plff in Error

Error from District Court of Washington County

Now on this day came the parties by their attorneys, and the plaintiff in Error by A. E. Hait & E. Hamilton his attorneys filed his assignment of errors to which the defendant in error by A. Campbell his attorney filed his joinder, and argument of Counsel being thereon had, and the Transcript of the records and proceedings filed in this cause having been seen and examined, the Court is of opinion that there was error in the judgment of the Court below, and that the same should be reversed. Therefore it is ordered and adjudged by the Court, that the judgment of the District Court rendered in this cause be and the same is hereby reversed, and that the plaintiff in error have and recover of the said defendant in error his costs by him in this behalf laid out & expended —

It appearing to the Court by satisfactory proof that Forbes Barclay, did on oath more than two years prior to this date, make declaration in due form, and before the proper officer, his intention to become a citizen of the United States, that he has resided within the limits and under the jurisdiction of the United States for five years last past, and for one year last past within the Territory of Oregon, that he has behaved himself as a man of good moral character, attached to

the principles of the Constitution of the United States and will disposed to the good order and happiness of the same, and the said Forbes Barclay having this day in open Court taken the usual oath required by the laws of Congress, it is ordered by the Court that the said Forbes Barclay be admitted as a Citizen of the United States.

On motion of A. E Wait Esq. it was ordered by the court that John B. Chapman be admitted as an Attorney and Counsellor at law, and Solicitor in Chancery in the United States Supreme Court for the District of Oregon upon his taking the usual oath of office and signing the Rolls of this Court, which was done.

Whereupon the Court adjourned until the next Court in course.

Thomas Nelson. Chief Justice.

Supreme Court of the United States and Territory within and for the District of Oregon begun and held at Salem Marion County Oregon Territory Monday December 6th A.D. 1852

Monday December 6th A.D. 1852. it appearing that the Honorable Judges of this Court are not present this day the Marshall Joseph L. Meek Esq adjourned the Court till tomorrow Tuesday morning at 9 oclock

Tuesday morning December 7th 1852 9 oclock Court met pursuant to the above adjournment when there were the Hon Thomas Nelson Chief Justice the Hon William Strong one of the associate Justices, and Allen P. Millar clerk when the following proceedings were had to wit.

The Court proceeded to call the cases on the docket, informally, and it appearing that the counsel were not prepared to proceed to the argument of any cause the following general order was by order of the Court entered

Ordered that the counsel for the respective parties in the several cases entered upon the Docket for argument at this term be prepared to file their pleadings with the clerk of this court upon the opening of Court tomorrow morning, except in the case numbered 9 in which David Williams is plaintiff in Error and Nancy N. Eads is defendant in Error, and in which case the parties are permitted to have until the opening of court on the morning of Friday December 10th to prepare their pleadings

On motion of E. Hamilton Esquire James H. Kelly and David Logan by order of the Court were duly admitted as Attorneys and Counsellors at Law and Solicitors in Chancery to practice in this Court upon their taking the usual oath of office and signing the rolls of this court which was done—

On motion of Alexander Campbell Esquire it was ordered by the Court that Reuben P. Boice be admitted as an Attorney and Counsellor at Law and Solicitor in Chancery to practice in this court upon his taking the usual oath of office and signing the rolls of this court which was done—

On motion of William H. Chapman Esquire it was ordered by the Court that Milton Elliott be admitted as an Attorney and Counsellor at Law and Solicitor in Chancery to practice in this court upon his taking the usual oath of office and signing the rolls of this court which was done

Whereupon the Marshall by order adjourned the court till tomorrow Wednesday morning at 10 oclock December 8th 1852—

Wednesday Morning December 8th A.D 1852. 9. oclk Court met pursuant to adjournment — Present as of yesterday when the following proceedings were had to wit:

On motion of Cyrus Olney Esquire it was ordered by the Court that James McCabe Esq and George McConaha be admitted as Attorneys and Counsellors at Law and Solicitors in Chancery, to practice in this Court upon their taking the usual oath of Office and signing the rolls of this Court which was done —

On motion of Reuben P Baise Esquire it was ordered by the Court that Joseph G. Wilson be admitted as an Attorney and Counsellor at Law and Solicitor in Chancery, to practice in this Court, upon his taking the usual oath of Office and signing the rolls of this court, which was done —

On motion of E. Hamilton Esquire it was ordered by the Court, that M. P. Deady, A. B. P. Wood and W Stuart Brock, be admitted as Attorneys and Counsellors at Law and Solicitors in Chancery to practice in this Court upon their taking the usual oath of Office and signing the rolls of this Court which was done —

Stephen Johnson
Sewell Johnson
Phillip Johnson Plaintiffs in Error
vs
James N. J. Miller Defendant in Error

Now on this day came the parties, the plaintiffs by W. W. Chapman their Attorney and the defendant by Campbell & Boise his Attorneys, and argued the cause after hearing which the Court took the case under advisement

In the matter of the application of W. W. Chapman for a Contempt

On the calling of this cause it appearing that the parties were not prepared to argue the same, the Court ordered the it be placed at the foot of the docket

Zachariah C. Denton
Levi P. Denton Plaintiffs in Error
vs
Thomas Stephens Defendant in Error

No. 114 See page 27

Now on this day came the parties the plaintiffs by Campbell & Boise their Attorneys and the defendant by Columbia Lancaster his Attorney on motion the Court the judgment be affirmed no assignment of Errors having been filed— No opposition being offered to the said motion by the plaintiffs, it was ordered the judgment of the court below be affirmed, and the court took the

the case under consideration with a view of ascertaining the amount of costs and damages to be taxed—

Whereupon the Marshall by order adjourned the Court till Friday Morning December 10th A.D. 1852 at 9. oclock—

Friday Morning 9. oclock December 10th 1852 Court met pursuant to adjournment present as on Wednesday when the following proceedings were had to wit!

Henry S. Atkin Plff in Error
vs
James Frost &
John Adair Defts in Error

On the calling of this cause the plaintiff appeared by E. Hamilton his Attorney and the defendants by A. E. Wait their Attorney and the Court proceeded to hear the argument of counsel for the respective parties, after hearing which the Court took the case under advisement

Gabriel Hunter &
Benjamin G. Littimer Plaintiffs in Error
vs
Zachariah C. Aston Defendant in Error

On the calling of this cause the defendant appeared by Campbell & Bacon and moved the court to dismiss the cause

on the ground that the writ of Error is defective in not setting out the given names of the Plaintiffs in Error — after hearing Chapman & Hait who appear as Attorneys for the Plaintiffs in Error in opposition to said motion the court denied the same

Saturday morning December 11th A.D. 1852 9. o'clock Court met pursuant to adjournment Present as of yesterday when the following proceedings were had to wit:

On motion of James K. Kelley Esquire, it was ordered by the Court that Addison C. Gibbs be admitted as an Attorney and Counsellor at Law and Solicitor in Chancery & practice in this Court.—upon his taking the usual oath of office and signing the rolls of this court, which was done—

Thereupon the Marshall by order adjourned the Court till Monday morning December 13th A.D. 1852 at 9. o'clk—

Monday morning December 13th A.D. 1852. 9. o'clock. Court met pursuant to adjournment, present as of yesterday, when the following proceedings were had to wit:

John Carothers Plff in Error
vs
William N. Irwin Defft in Error

On the calling of this cause the plaintiff appeared by Milton Elliott his attorney and it appearing to the Court that the plaintiff in Error had not caused a written notice to be served upon the Defendant in Error twenty days previous to the first day of this term of this court, according to the requirements of the statute and no voluntary appearance being entered it is ordered by the court, that this cause be dis-

the same is hereby continued to the next term of this court—

John Carothers Plff in Error
28 vs
William H. Frush Deft in Error

On the calling of this cause, it was ordered by the court that the same be continued to the next term of this court for the reasons stated in the preceeding cause

Zachariah C. Norton Plff in Error
No. 15. vs
Ann P. Denison Deft in Error

And now on this day comes the Plaintiff in error by Campbell & Coise his attorneys and the defendant in error by Manye & Logan his attorneys, whereupon as well the records and proceedings aforesaid and the judgment given in form aforesaid as the matters aforesaid by the said Zachariah C. Norton, above assigned for errors, being seen and by the Court him fully understood, it appears to the court now here that there is no error either in the record and proceedings aforesaid or in giving the judgment aforesaid—

Therefore it is considered that the judgment in form aforesaid given be in all things affirmed and stand in full force and effect the several matters above for error assigned in anywise notwithstanding and

it is further considered that the said Ann P. Denison do recover against the said Zachariah C. Norton as well his judgment and costs of N. B. The foregoing is of no consequence the order in this case entered on page 26 - See page 24 of this Book.

1 No. 16. In the matter of the application of W. W. Chapman for a Contempt &c.

Washington County
Cost Book Page 10

This cause having been called on for argument, after hearing W. W. Chapman and James K. Kelley on the part of W. W. Chapman and R. P. Boise and Alexander Campbell on the other side, it is considered by the court, that the judgment of the District court, be and the same is hereby reversed, and it is further considered, that an order issue out of this Court, to the said District Court, to reinstate the said W. W. Chapman upon the Rolls of Attorneys for said Court

No. 17. Stephen Johnson
Sewell Johnson &
Philip Johnson Plaintiffs in Error
2 vs
James A. T. Miller Defendant in Error

This cause having been called on for argument, after hearing W. W. Chapman of counsel for the plaintiffs in error, and Alexander Campbell and R. P. Boise of counsel for the defendants in Error, it is considered by the court, now here, that there is no error in the records and

proceedings of said District Court, as is by their assignment of errors alledged, it is therefore considered that the judgment of the District Court below be and the same is hereby affirmed, with costs and interest at the rate of six per cent. per annum upon the costs taxed in the District Court, and that the plaintiff have his writ of Restitution

Daniel H. Lounsdale
Stephen Coffin
William W. Chapman
Amie P. Denison
S. A. Hall
Alexander Ankeny
Anthony L. Davis &
James L. Loring Plaintiffs in Error

No. 18.

3.

vs

Lafayette Maynard Deft in Error

This cause having been brought on to argument, after hearing Alexander Campbell and E. Hamilton of counsel for the plaintiffs in error and A. E. Wait of counsel for the defendant in Error, it appears to the Court now here that there is no error in the Records and proceedings of the District Court below as is alledged by the plaintiffs in their assignment of errors, it is therefore considered and adjudged that the judgment of the said District Court be and the same is hereby affirmed with costs to be taxed

4 Henry S. Dikin Plaintiff in Error
vs
James Frost Jr &
John Adair Defendants in Error

This cause having been brought on to argument, after hearing E. Hamilton of counsel for the plaintiff in Error and A. E. Wait of counsel for the defendants in Error, it appears to the Court now here that there is no error in the records and proceedings of the District Court below as is alledged by the plaintiff in his assignment of errors, it is therefore considered and adjudged, that the judgment of the District Court, be and the same is hereby affirmed with costs to be paid by the said plaintiff in error and to be taxed—

No. 19.

5 Gabriel Winter &
Benjamin G. Latterner Plaintiffs in Error
vs
Zachariah C. Norton Defendant in Error

This cause having been brought on to argument, after hearing A. E. Wait of counsel for the plaintiffs in Error and A. Campbell and R. P. Boise of counsel for the defendant in Error, and it appearing to the Court that there is error in the records and proceedings of the District Court below, it is therefore considered and adjudged by the court that the said judgment of the District Court be and the same is hereby reversed and it is further ordered and considered that this cause be remanded to the said District Court, to the end that

such further proceedings may be had in the cause as to law and justice appertain, and that the costs accruing in this court to be taxed, be paid by the defendant in Error

Zachariah C. Anton Plaintiff in Error

vs

Levi C. Denison Defendant in Error

This cause having been brought on to argument, after hearing A. Campbell & R. P. Boise of counsel for the plaintiff in Error and David Logan of counsel for the defendant in Error, and it appearing to the court now here that there is no error in the records and proceedings of the District Court below, it is therefore considered and adjudged by the court, that the judgment of the court below be and the same is hereby affirmed with costs to be taxed, and it appearing to this court that the writ of error in this cause was taken for delay only it is considered and adjudged that the said defendant in error do recover of the said plaintiff in error the sum of ten per centum upon the amount of this said judgment in the District Court as damages for the delay which said damages are exclusive of the interest at six per centum on said original judgment

Ann P. Denison Plff in Error

7 vs

Zachariah C. Norton Deft in Error

This cause having been called in its order upon the Docket, it is ordered by the Court that the same be continued to the next term of this court—

William H. Chapman Plff in Error

8 vs

No. 21 Stephen Coffin Deft in Error

This cause having been brought on to argument, after hearing W. H. Chapman who appeared in person as Plaintiff in Error and E. Hamilton of Counsel for the defendant in Error, and it appearing to the Court that there is error in the records and proceedings of the District Court below, it is therefore considered and adjudged by the Court, that the judgment of the District Court be and the same is hereby reversed and it is further ordered and considered that this cause be remanded to the said District Court to the end that such further proceedings may be had in the same as to law and justice appertain and that the costs accruing in this court to be taxed, be paid by the defendant in Error—

21

Stephen Coffin &
E. Hamilton Plffs in Error

9 vs

Elizabeth J. Hamilton Defts in Error

This cause having been called in its order upon the Docket, it is ordered by the court that the same be continued until the next term of this court—

David Williams Plff in Error

10 vs

No. 22. Henry N. Eads Deft in Error

This cause having been called and it appearing to this court, that the Plaintiff in Error has not filed a Transcript of the cause on or before the third day of the next term after taking this writ of Error, and the defendant in Error having now here filed a Certificate of the Clerk of the Court below as prescribed by the Statute in such case made and provided, after hearing A. Campbell, R. P. Bond and W. P. Brady of counsel for the defendant in Error and David Logan of counsel for the plaintiff in Error, it is considered and adjudged by the Court, that the said writ of Error be and the same is hereby dismissed with costs & be taxed & be paid by the said plaintiff in Error, but without damages and without prejudice to the right of the plaintiff to bring a new writ of Error—

Zachariah C. Norton &
Ann P. Denison Plffs in Error
vs
Thomas Stephens Deft in Error

This cause having been brought on to argument, after hearing Alexander Campbell and R. P. Boise of Counsel for the plaintiffs in Error, and A. E. Wait, and Columbia Lancaster of Counsel for the defendant in Error, and it appearing to the Court now here, that there is no error in the Records and proceedings of the District Court below, it is therefore considered and adjudged by the Court, that the judgment of the Court below, be and the same is hereby affirmed with costs to be taxed, and it further appearing to this Court, that the writ of Error in this cause was taken for delay only, it is considered and adjudged that the said defendant in Error do recover of the said plaintiffs in Error the sum of ten per centum upon the amount of his said judgment in the District Court as damages for the delay, which said damages are exclusive of the interest of six per centum on said original judgment—

Daniel H. Lounsdale Plff in Error
vs
Gabriel Winter &
Benjamin G. Lattimer Defts in Error

This cause having been brought on to argument, after hearing A. E. Wait, A. Campbell and R. P. Boise of counsel for the Plaintiff

in Error and W. W. Chapman of Counsel for the defendants in Error, and it appearing to the Court now here, that there is no error in the records and proceedings of the District Court below, it is therefore considered and adjudged by the Court, that the judgment of the Court below, be and the same is hereby affirmed with costs to be taxed, and it further appearing to this court, that the writ of Error in this cause was taken for delay only, it is considered and adjudged that the said defendants in error do recover of the said plaintiff in Error the sum of ten per centum upon the amount of their said judgment in the District Court as damages for the delay, which said damages are exclusive of the interest at six per centum on said original judgment —

Moses R. Barnum &
James M. Moore
vs
William Fingleton

13 Appeal

This cause having been called and the counsel for William Fingleton having waived his motion to dismiss the appeal in this cause, and having consented that this cause should be heard as though it were properly brought here on writ of Error, it is therefore ordered by the court, to be entered upon the Docket and to be continued to the next term of this court —

14

Isaac R. Barnum et
James W. Moore
vs
William Singleton

Appeal

This cause having been called and the Counsel for William Singleton having waived his motion to dismiss the appeal in this cause and having consented that this cause should be heard as though it were properly brought here on writ of Error, it is therefore ordered by the Court to be entered upon the Docket, and to be continued to the next term of this Court

15

Isaac R. Barnum et
James W. Moore
vs
William Singleton

Appeal

This cause having been called and the counsel for William Singleton having waived his motion to dismiss the appeal in this cause, and having consented that this cause should be heard as though it were properly brought here on writ of Error, it is therefore ordered by the Court to be entered upon the docket, and to be continued to the next term of this court

16 Moses R. Barnum & James M. Moore vs William Fingleton — Appeal

This cause having been called and the counsel for William Fingleton, having waived his motion to dismiss the appeal in this cause, and having consented that this cause should be heard as though it were properly brought here on writ of Error it is therefore ordered by the court to be entered upon the docket and to be continued to the next term of this court

17 Moses R. Barnum & James M. Moore vs William Fingleton — Appeal

This cause having been called and the counsel for William Fingleton having waived his motion to dismiss the appeal in this cause and having consented that this cause should be heard as though it were properly brought here on writ of Error, it is therefore ordered by the court that the same be entered upon the docket and be continued to the next term of this court

Abraham Sulger
18. vs
Portland & Valley Plank Road Co — Appeal

No. 24. This cause having been called and the respective parties consenting thereto it is ordered by the Court, that the same be dismissed with costs of this court to be taxed against the said Abraham Sulger, and that execution issue therefor

Jacob. B. Backenstos.
19 vs
Portland & Valley Plk. Road Co — Appeal

No. 25. This cause having been called and the Portland and Valley Plank Road Co by Campbell and Boise their attorneys having moved to dismiss the appeal in this cause, after hearing A. E. Wait of Counsel for Jacob B. Backenstos, it is ordered by the court that the said Company have leave to withdraw their joinder which is done, and that said appeal be and the same is hereby dismissed with costs to be taxed and to be paid by the said Jacob B. Backenstos and that execution issue therefor

22

20

No. 26.

William S. Caldwell
vs
Portland & Valley Plk Road Co
Appeal

This cause having been called and the Portland and Valley Plank Road company by Campbell and Brice their attorneys, having moved to dismiss the appeal in this cause after hearing A. E. Wait of counsel for William S. Caldwell, it is ordered by the Court that the said company have leave to withdraw their joinder which is done, and that said appeal be and the same is hereby dismissed with costs to be taxed and to be paid by the said William S. Caldwell, and that execution issue therefor

21

No. 27.

George N. Flanders
vs
Portland & Valley Plank Road Co
Appeal

This cause having been called and the Portland and Valley Plank Road Company by Campbell and Brice their attorneys having moved to dismiss the appeal in this cause, after hearing A. E. Wait of counsel for said George N. Flanders, it is ordered by the Court that the said Company have leave to withdraw their joinder which is done, and the said appeal be and the same is hereby dismissed with costs to be taxed, and to be paid by the said George N. Flanders, and that execution issue therefor

Nathan Olney and
Cyrus Olney
22 vs
Elias Wampool &
John Lafontaine

Injunction &c

This cause having been called on motion of Cyrus Olney of Counsel for the complainants, it is ordered by the Court that this cause be and the same is hereby dismissed, with costs to be taxed and to be paid by the said complainants and that execution issue therefor

No. 28.

Stephen Coffin
William P. Andrews
Cyrus A. Reed &
Thomas Carter Pltffs in Error
23 vs
Israel G. Johnson Defts in Error

This cause having been called in its order upon the Docket, it is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court

Columbus D. Smith
24 vs
Robert Moore
James M. Moore &
Solomon Fitzhugh

Writ of Error

No. 29.

This cause having been called A. E. Wait of Counsel for the Defendants in Error

having moved to dismiss the writ of Error herein and the Court after hearing E. Hamilton of Counsel for the plaintiff in Error, being satisfied that no final decree in this cause has been rendered by the Court below, now here orders that the writ of Error be and the same is hereby dismissed with costs to be taxed and to be paid by the plaintiff in Error, and that execution issue therefor and this cause is remanded to the County of Washington to the end that such further proceedings may be had therein as of right belong — 26

Amos Cook
vs
Lemuel Scott for the use of Appeal
No. 30. A. I. Hembree

This cause having been called and Lemuel Scott by David Logan his attorney having moved to dismiss the appeal in this cause after hearing A. E. Watt of Counsel for Amos Cook it is ordered by the Court, that the said Lemuel Scott have leave to withdraw his joinder in Error which is done, and the said appeal be and the same is hereby dismissed with costs to be taxed and to be paid by the said Amos Cook and that execution issue therefor — 29

Nimrod O'Kelley Plff in Error
vs
The Territory of Oregon Deft in Error

This cause having been called on to argument, after hearing James K. Kelley, and Cyrus Olney of Counsel for the plaintiff in Error and R. P. Boise and A Campbell of Counsel for the Defendant in Error, and the Court being equally divided in opinion on the hearing, it is therefore ordered that this cause stand continued—

Robert Thompson Plff in Error
vs
Jacob B. Backenstos Deft in Error

This cause having been called A Campbell of Counsel for the defendant in error, moves that the same be dismissed on the ground that no final judgment appears by the record to have been rendered in the Court below. whereupon D Logan of Counsel for the plaintiff in error suggests to the Court a diminution of the record in this to wit: that the clerk of the district Court has in his transcript omitted the Journal entry of the final judgment; it is therefore ordered by the Court that an order issue to the clerk of the district Court below commanding him forthwith to send to this Court a full and correct transcript of the judgment rendered by the said district Court in this cause

30

No. 31.

Sidney W. Moss Plff in Error

vs

Samuel L. Stebbins Deft in Error

This cause having been brought on to be argued upon the hearing A. E. Wait of Counsel for the Plaintiff in Error and James H. Kelly of Counsel for the defendant in Error it appears to the Court now here that there is no error in the records and proceedings of the District Court below as is alleged by the Plaintiff in his assignment of Errors, it is therefore considered and adjudged that the judgment of the said District Court be and the same is hereby affirmed with costs to be taxed

31

No. 32.

John Bradley

vs

W. F. Johnson

Bill in Chancery

On the calling of this cause neither party appearing, it is ordered by the Court that this cause be stricken from the docket at the costs of the complainant to be taxed and that execution issue therefor

No. 33.

32

William P. Daugherty

vs

W. F. Johnson

Bill in Chancery

On the calling of this cause neither party appearing, it is ordered by the Court that this cause be stricken from the docket at the costs of the complainant to be taxed and that execution issue therefor

Wednesday December 22nd 1852

William H. Watkins, Henry A. Goldsboro, and William S. Caldwell were by order of the Court appointed Master Commissioners in Chancery

Rules adopted at the Supreme Court of Oregon Territory at the December Term A.D. 1852.

1 Attorneys and Counselors at Law and Solicitors in Chancery of the several District Courts of this Territory shall on motion in open Court, be admitted to practice in the Supreme Court: but all the preliminary steps necessary to bring a cause to this Court and prepare the same for trial may be taken by any Attorney Solicitor, or Counselor of any of the District Courts.

2 The attorneys and guardians ad litem of the several parties in the court below shall be deemed the attorneys and guardians of the same parties in this court, until others shall be retained or appointed, and the appearances placed on file and notice thereof given to the adverse party or his attorney.

3 No private agreement or consent between the parties or their attorneys in respect to the proceedings in a cause shall be binding unless the same shall have been reduced to the form of an order by consent, and entered with the Clerk, or unless the evidence thereof shall be in writing subscribed by the party against whom the same shall be alledged or by his attorney or counsel.

4 If the party applying for the writ of Error or appeal is a minor and no next friend or guardian

has been appointed for him in the court below, the court or any of the Justices of this court in vacation shall upon a petition duly verified appoint some suitable person as a next friend for such minor who shall be liable for the costs in this court which said petition and appointment shall be filed with the clerk of this court.

5 The clerk of this court may upon application and payment of his fees issue blank writs of error under the seal of the court, which writs when suitably filled up and subscribed by an attorney of this or of a district court, shall be effectual to bring up all causes properly removable to this court, and it shall be the duty of the clerk of any District court, immediately upon being served with a writ of error, and upon being paid his legal charges to note upon the back of said writ the date of its receipt, and to make up a complete transcript of his record of the proceedings, pleadings, orders proceedings and judgment in the cause in the order in which they occurred, and after certifying the same, under his hand and seal of office, to return the same with the writ of error to the clerk of this court, by mail postage paid or by some other safe mode of conveyance.

6 The clerk of a District Court returning the transcript of a record to this court, pursuant to an appeal or in obedience to a writ of Error shall distinctly number and mark each folio in the margin

thereof. Each folio shall be deemed to consist of one hundred words. Such transcript shall be fairly and legibly written, otherwise the clerk of this court shall not file the same, but shall return it to the clerk, transmitting with a statement of the reason why it is not received and filed.

7 A printed or legibly written copy of Rules 5 and 6, shall be attached to and accompany each writ of error issued by the clerk of the Supreme court, for which he shall be allowed the sum of fifty cents.

8 In all cases where the defendant in error resides out of the Territory, and has no attorney therein, the plaintiff in error shall cause publication of the cause to be made in some weekly newspaper printed in the Territory for four consecutive weeks, the last insertion of which notice shall be at least four months prior to the first day of the term of the Supreme Court at which said cause is set for trial, and in all cases where it shall be practicable so to do, it shall be the duty of the said plaintiff to ascertain the residence of said defendant, and immediately after the first publication of the notice send by mail a certified copy of said notice directed to him at said place of residence postage prepaid. If sufficient time shall not have elapsed for the publication as aforesaid of said notice prior

to the first day of the term, and subsequent to the filing of the writ of error with the clerk of the district court, then such cause shall stand continued until the next term of the Supreme Court unless the defendant shall voluntarily enter his appearance at said first term, Provided it shall be discretionary with either of the parties of the Supreme Court upon application to direct in writing, or by placed upon the files of this court, such other mode of publication as may to them seem proper in the particular case—

9 In all cases coming up on a writ of error errors shall be assigned, and a copy thereof furnished to the adverse party or his attorney if in attendance upon the court, by twelve o'clock on the first day of the term, and if the party shall fail to comply with this rule the judgment of the court below, shall be affirmed, or the cause continued at the costs of the plaintiff in error or his attorney as the court shall direct—

10 The defendant shall file his pleadings by four o'clock in the afternoon of the first day of the term and furnish a copy thereof to the adverse party, or his attorney if in attendance upon the court, and in case he shall fail to comply with this rule, the judgment of the court below shall be reversed, or the cause continued at the costs of the defendant or his attorney as the court shall direct— Provided the plaintiff

shall have complied with rule 9.

11 Assignments of error shall be specific, and no error will be noticed by the court, that is not specifically assigned, unless for good and sufficient reasons the court shall otherwise determine.

12 Whenever error in fact shall be assigned the pleadings shall be accompanied by an affidavit of the party or of some person cognizant of the matters therein set forth, that it is true in substance and in fact, otherwise the court on motion of the opposite party will strike the pleadings from the files of the court. Whenever an issue of fact is made up, the court may send the same down for trial to the District Court in which the judgment was rendered, unless it shall otherwise direct.

13 Before the cause is called on for trial, the counsel for the affirmative shall furnish the opposite counsel a note of the points made, and authorities cited; with an abstract of the argument, after receiving which, a like note of points and authorities with an abstract of the argument in answer shall be furnished to the affirmative counsel, and in all cases before the argument is commenced the counsel holding the affirmative shall furnish each of the judges with an abstract of the case and a brief of the points and authorities relied on, printed or written in a legible hand, and the opposing

counsel shall furnish a like brief of the points and authorities relied upon on the argument, for which the sum of twenty five cents per folio shall be allowed to the respective parties to be taxed in the bill of costs—

14 Within twenty days of the commencement of any term of the Court, the clerk shall make up a docket of the causes brought up to that Court by appeal or writ of error, and shall arrange the causes therein in the order of time in which the appeal was completed, or writ of error filed with the clerk of the court below, and he shall specify in said docket, the respective Counties from which the causes were removed— He shall also make out a copy of the docket for each of the justices of the Court—

15 In all cases where under the law or rules of court, a written notice is required to be served on the adverse party, such notice may be served by some Sheriff or deputy Sheriff, or if the case shall belong to the United States side of this court, then by the Marshall or his deputy, and the return of such officer, that he has served an attested copy of such notice shall be sufficient proof of such service— The party himself or any other competent person may make service of a copy of said notice and the affidavit of the party making the service shall be sufficient prima facie evidence of the same In all cases such proof shall be filed with the clerk on the first day of the term— Provided that in all

cases not otherwise specially provided for by law the agreement in writing of the parties or their attorneys shall answer in the place of notice—

16 Motions shall be noticed for the second day of the term or sitting of the Court, accompanied with copies of the affidavits and papers on which the same shall be made, and the notice shall not be for a later day, except when otherwise allowed by law unless sufficient cause be shown and contained in the affidavits or papers aforesaid, for not giving notice for the second day— The moving party shall give at least one days notice of all motions except when from absence or other cause service of notice cannot be made when depositing the papers with the clerk of the court shall be sufficient

17 In all causes where the judgment of the District Court is affirmed, interest at the rate of six per cent. per annum shall be computed on said judgment up to the time of the rendition of judgment in this court, and shall be included therein and the party shall be authorized to collect interest at the same rate on the judgment of this court until the same is satisfied, and this shall in all cases be exclusive of the statutory damages if any for the delay—

18 In all cases not otherwise specially provided for when judgment may have been or shall be rendered in this court, a full and correct transcript of such judgment shall be made by the clerk, and a mandate shall issue from this court to the district court from which the cause came, commanding the district court to cause the same to be entered upon the record of the proceedings of said court and to proceed to the enforcement of the same in like manner as if the said judgment had been rendered therein, which said transcript and mandate the said clerk shall make out under the seal of the Supreme Court, and deliver to the party interested upon demand and the payment of the costs which have accrued in this court; and the party advancing such costs, shall have the same remedy for the collection thereof against the party condemned in costs as in other cases where costs are advanced—

19 All causes upon the docket which shall not otherwise be disposed of at any term of the Court shall stand continued until the next term of the Court—

20 Whenever a justice or other officer approves of the security to be given in any case, it shall be the duty of said justice, or other officer to require each of the sureties to justify, and unless the sureties shall together justify that they are

worth over and above all debts and responsibilities they may owe or have incurred, or amounting to twice the amount named in the penalty of the bond, such security shall not be deemed sufficient— Provided that if such justice or other officer shall then be of opinion that such security is insufficient he may require other and additional security—

21 No papers or records filed in court or in the clerks office shall be taken therefrom unless by leave of the court or upon the written order of one of the justices thereof—

22 No attorney of this court or the clerk shall be received as bail or security in any case in court—

23 All Chancery cases brought up on appeal shall stand for hearing upon the same pleadings and evidence as in the District court, unless the court shall otherwise direct—

Supreme Court of the United States.
within and for the District and Territory of Oregon
begun and holden at the Town of Portland in the
County of Washington, Oregon Territory, June Term.
A.D. 1853. Be it remembered that at a Term of the
Supreme Court of Oregon Territory begun and holden
at the Town of Portland in the County of Washington
in said Territory, on the twentieth day of June A.D.
1853. at which Term were present
Hon Cyrus Olney } Hon M P Deady
Associate Justices of Supreme Court
C W Nesmith, Marshall.
R Wilcox, Clerk
when the following proceedings were had, that is to say,
The Court convened and after Proclamation
by the Marshall and the Clerk being present, and it being
represented to the Court
~~appearing to the Court~~ that Allan P Millar Esq the Clerk
of this Court ~~is~~ is absent from the Territory.
It is ordered by the Court, in consideration of the
truth and confidence reposed in Ralph Wilcox Esq that
he be appointed Clerk of this Court until the further
~~pleasure~~ order of the Court or the Justices thereof
Whereupon Court adjourned until to morrow
morning at ten o'clock.
Attest. R Wilcox, Clerk.

M P Deady

Cyrus Olney

Associate Justices

Tuesday morning June 21st A.D. 1853

Court convened pursuant to adjournment.

Present the same as yesterday

It appearing that the records books and papers ~~belonging to the same~~ Court are not present in Court, ~~and that the same are~~ but are proved by a Nahin writing &c detained and withheld by one Allan M. Seymour who fails and refuses to produce deliver up the same in contempt of the Court, and to the delay of its proceedings.

It is therefore ordered ~~by the Court~~ that the Marshall take and bring into Court here the said records books and papers. And ~~it is further ordered by the Court~~ that the said ~~Allan M.~~ Seymour be attached to answer the said contempt, and that ~~proper~~ process therefor issue forthwith directed to the Marshall.

Whereupon Court adjourned until ten o'clock tomorrow morning.

Attest R. Wilcox Clerk

M. T. Deady

Cyrus Olney
Associate Justices

Wednesday June 22d A.D. 1853

Court convened pursuant to adjournment.

Present the same as yesterday

In the matter of Charles Haas } Application to be admitted to citizenship.

And now at this day came the said Charles Haas, and having proved to the satisfaction of the Court, that he came to the United States previous to his arriving to the age of eighteen years, and had resided therein ever since and for more than five years; and for more than a year in the Territory of Oregon, that he has

behaved himself as a man of good moral character attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, And the said Charles Haas having this day in open Court taken the oath required by the laws of Congress; It is ordered by the Court that he be admitted as a Citizen of the United States.

In the matter of Anthony Whittaker } Application to be admitted to Citizenship

And now at this day came the said Anthony Whittaker, and having proved to the satisfaction of the Court, that he did, on oath, more than two years prior to this date, make declaration in due form and before the proper officer of his intention to become a citizen of the United States, that he has resided within the limits and under the jurisdiction of the United States for more than five years last past, and more than one year last past in this Territory, that he has behaved himself as a man of good moral character attached to the principles of the Constitution of the United States, and well disposed to the good order of the same, And the said Anthony Whittaker having this day in open Court taken the oath required by the laws of Congress; It is ordered by the Court that the said Anthony Whittaker be admitted as a Citizen of the United States.

In the Matter of Allan M Seymour } attached for Contempt —

The Marshall having brought into Court the body of the said Allan M Seymour, and returned the writ of attachment heretofore issued for that purpose. A Campbell Esq Prosecuting Attorney is directed to file interrogatories, and the same are accordingly filed, and ~~thereupon~~ the Clerk is directed to furnish a copy thereof to the said ~~Allan M~~ Seymour, who is ~~required~~ ~~ordered to stand committed until he shall~~ required to answer the same ~~upon~~ on oath, and is ordered to stand committed

And the Marshal having ~~informed~~ reported to the Court that the said Seymour refused to give up ~~to him~~ the said records ~~to be brought into Court~~ the said Seymour is now interrogated by the Court who refuse to permit his attorney to answer for him ~~and~~ admits that he has the said records and refuses to give them up as ~~stated~~ reported by the Marshall, And he now by his Attorney, A. Holbrook Esq, files his answer under oath to the said interrogatories and requests to be heard in his defence ~~by his said counsel~~, which request is denied by the Court until he shall surrender up the said records, And it is ordered by the Court that the said Seymour be imprisoned in the jail and kept in close confinement until he shall surrender the said records, and that the Marshal shall thereupon bring in the said Seymour and the said records, and that the said Seymour shall then be heard ~~upon~~ on his answer to the said interrogatories — by his self and by his counsel

Whereupon Court adjourned until tomorrow morning at ten o'clock.

Attest R Wilcox Clerk

M P Deady

Cyrus Olney

Associate Justices.

Thursday Morning June 23d A.D. 1853.

Court convened pursuant to adjournment, Present the same as yesterday.

Benjamin F Smith
v
Francis E Webster &
Theodore B Trevett

In Chancery,
Appeal, from Washington Co.

This cause came on to be heard upon the bill, answer, exhibits and proofs, And the Court finds that the Defendants had not at the Commencement of this suit violated their contract nor their duty in any of the particulars charged in the bill nor otherwise, and that they have not done or omitted any thing during the progress of the suit to protract the litigation or increase the expense thereof but have in all things acted in good faith and with due regard to the rights and interests of the plaintiff, and that they have fully accounted for and paid over all the proceeds of the goods sold by them and delivered to the Receiver all the goods remaining unsold and which had come to their hands of the Cargo of the Brig Francisco mentioned in the pleadings deducting only their proper charges for services and expenses in that behalf; and that nothing is due from the defendants to the plaintiff. And because the demand made by the Defendant Trevett for his time and expenses whilst awaiting the arrival of the said Brig at Portland is not properly a part of the subject matter of this suit the Court declines to make any adjudication touching the same, Therefore it is decreed by the Court that the said Defendants be hence dismissed, and that they recover of the said plaintiff their costs to be taxed and that they have execution therefor.

Whereupon Court adjourned until ten o'clock tomorrow. M P Deadr Cyrus Olney associate Justice

Monday, Morning June 24th 1853

~~Whereupon Court adjourned until tomorrow morning at Nine o'clock~~.

Court convened pursuant to adjournment, Present the same as yesterday —

In the Matter of Allan N Seymour } Attachment for Contempt —

The said Allan N Seymour, having been brought before the Hon Cyrus Olney one of the Justices of this Court at Chambers upon a writ of Habeas Corpus and the said Justice having adjourned the hearing into this Court, And it appearing to the Court by the return to the writ and by the records of the Court that the said Seymour is in custody and is being kept in close confinement for refusing to surrender up to this Court its records books and papers, and that such confinement is a means adopted by this Court to compel a surrender of the same, the Court remands the said Seymour into such close confinement. And thereupon the said Seymour by his Counsel moves the Court to take up and consider his answer ~~heretofore filed by him~~ to the interrogatories heretofore filed against him, but it appearing to the Court that the said Seymour has not surrendered up the said records ~~of this Court~~ but still stands out against the authority of the Court over its said records, the Court refuses to consider the matter aforesaid and now again orders the said Seymour into close confinement until he shall surrender the said records, And thereupon the said Seymour submits to surrender the same ~~said records~~ and consents to accompany the Marshall to the place where the said records are concealed or deposited, and the Marshal having returned into Court bringing in the said records and the said Seymour

the ~~aforesaid~~ answer aforesaid and all the matters touching the said proceedings for contempt are taken up and considered, and the said Seymour having been fully heard by his counsel, the Court doth find and adjudge that the said Allan M Seymour is guilty of having in the premises aforesaid contemned and set at naught this court and its authority; and in consideration of the youth of the said Seymour and because it appears by ~~the~~ his said answer supported by a written document presented in the name of John B Preston and by ~~and~~ other evidence that he has acted in the premises not so much by his own will as by the instigation and under the direction of ~~the~~ said ~~John B~~ Preston who is not present the Court doth not think fit to inflict any other or greater punishment for the said contempt than ~~the~~ payment ~~of the~~ of the Costs.

Therefore it is considered and adjudged by the Court that the said Allan M Seymour pay the costs of these proceedings to be taxed by the Clerk and that he stand committed to the custody of the Marshall until the said costs are paid —

Whereupon Court adjourned until 9 o'clock tomorrow, Morning

Attest R Wilcox Clerk

M P Deady

Cyrus Olney

Associate Justices

Saturday Morning June 25th 1853

Court convened pursuant to adjournment. Present the same as yesterday.

Nimrod O Kelley
v
Territory of Oregon } Error from Benton County.

In this cause it is ordered by the Court that the same be continued to the next term.

Robert Thompson
v
Jacob B Backenstos } Error from Clackamas County

Same order as in the preceeding cause —

Isaac Baker
v
Josiah L Parrish } Error from Marion County.

This cause is continued

Ami P Dennison
v
G. C. Norton. } Error from Washington County

In this cause it appearing to the Court that the same had been settled, and the amount of the judgment below having been paid to the assignee of the said defendant in Error.

It is ordered by the Court that the cause be dismissed from the docket and no further proceedings had therein.

John Carothers
v.
William A Gnush } Error from Blackamas County.

This cause came on to be ~~heard~~ heard upon the errors assigned and the Court finds that the said District Court erred in reversing the judgment of the justice and awarding restitution of the moneys paid upon that judgment, Therefore it is considered that the said judgment of the District Court be reversed with costs, and that the said judgment of the justice be affirmed, and because it appears by the record that the sum of thirty five dollars hath been paid by the said John Carothers to the said William A Gnush in satisfaction of the judgment and costs in the District Court, it is further considered that the said John Carothers have and recover against the said William A Gnush the said sum of thirty five dollars and the costs in this court to be taxed, and have execution therefor,

John Carothers
v.
William A Gnush } Error from Blackamas County.

Stephen Coffin &
E Hamilton
v
Elizabeth G Thurston } Error from Washington County,

The parties by their Attorneys come and the record aforesaid being inspected, it appears to the Court that there is not any error in the said record, Therefore it is considered that the judgment aforesaid be affirmed, and that the said Elizabeth G Thurston recover against the said Stephen Coffin and E Hamilton the further sum of one hundred and forty four dollars and thirty three cents for ~~her~~ damages by reason of the delay of execution of the judgment aforesaid, amounting ~~that~~ in the whole to one thousand and twenty one dollars, and also her costs taxed in the said District Court and her costs in this Court to be taxed, And it is ordered that the judgment of this Court in the premises be certified to the District Court aforesaid for execution.

Stephen Coffin, Wm P Abrams
Cyrus A Reed & Thomas Carter
v.
Israel G Johnson

Error from Washington County

The parties by their Attornies come and the record aforesaid being inspected; it appears to the Court that there is noh any Error in the said record. Therefore it is considered that the judgment aforesaid be affirmed and that the said Israel G Johnson recover against the said Plaintiffs in Error the further sum of ten per cent upon the amount of said judgment for his damages for the delay of execution thereof ~~of the judgment aforesaid~~, together with his costs in the said District Court as well as his costs in this Court to be taxed, And it is ordered that the judgment of this Court in the premises be certified to the District Court aforesaid for execution.

Moses R Barnum &
Daines N Moore
v.
William Singleton

Appeal from District Court Washington County.

The parties by their Attornies come, and the record aforesaid being inspected, it appears to the Court that there is noh any error in the said record. Therefore it is considered that the judgment aforesaid be affirmed, and that the said William Singleton recover against the said Moses R Barnum and Daines N Moore the further sum of ten per cent upon the amount of the said judgment for his damages for the delay of execution thereof, together with interest and his costs in the said District Court

and his costs in this behalf to be taxed, And it is ordered that the judgment in this Court be certified to the District Court aforesaid for execution.

Moses R Barnum &
James M Moore
&
William Singleton

Moses R Barnum &
James M Moore
&
William Singleton

Moses R Bainum Jr
James M Moore
&
William Singleton

Moses R Barnum &
James M Moore
&
William Singleton

Benjamin Stark Esq having been licensed by the Justices of this Court as an Attorney and Counsellor at Law, and Counsellor and Solicitor in Chancery now come into Court and having taken the oath required by law, is admitted to the bar as such Attorney and Counsellor and his name is entered upon the roll of Attorneys.

The Court having taken into consideration the importance of preserving for reference the decisions and rulings of the Court, doth appoint A Campbell Esq one of the Attorneys of this Court to act as Reporter of the judgments and proceedings of the Court.

Whereupon the Court adjourned until the next regular Term.

Attest, R Wilcox
Clerk

Mc Deady
Cyrus Olney
Associate Justices

The following is a Record of gentlemen who were duly admitted as Attorneys & Counsellors at Law and Solicitors in Chancery at the regular Term of the Supreme Court begun and holden at Portland on the Third Monday in June A.D. 1855

James
Henry Stark

The following is a Record Roll of gentlemen who were duly admitted as Attorneys Counsellors at Law and Solicitors in Chancery at the regular term of the Supreme Court begun and holden at Salem on the first Monday in December A. D 1850

Names

J. G. Wilson
Milton Elliott
James McCabe
Reuben P. Boise
G. N. McConaha
[illegible]
D. Logan
Addison C. Gibbs
M. P. Deady
A. S. Lovejoy
A. Holbrook
B. F. Harding
L. F. Grover
G. K. Shiel
E. M. Barnum

Names

James K. Kelly
R. E. Stratton
S. F. Chadwick
L. F. Mosher
C. Sims
J. D. Thornton
M. A. Chinn
Delazon Smith
A. Huber

The following is a Record Roll of gentlemen who were duly admitted at the December Term of the United States Supreme Court in and for the Territory of Oregon, begun and held at the Court House in Oregon City December 1st 1851, as attorneys Counsellors & Solicitors of said court, each of whom having first produced satisfactory evidence of their legal attainments, as well as of their good moral character, and having taken the usual oath to support the Constitution and Laws of the United States, and to discharge their duties respectively as such attorneys, Counsellors and solicitors according to the best of their abilities

Names	Names
Jno. B. Preston	E. Hamilton
Baum Thornton	W. W. Chapman
David B. Brenan	J. B. Chapman
Simon B. Marye	Columbia Lancaster
A. Campbell	Aug. Term 1858
Aaron E. Wait	R. B. Snelling
William T. Mattock	B. T. Donnelly
Cyrus Olney	Chester N. Terry

Record Roll of Attorneys

Admitted at the December Term of the

United States Supreme Court

1851 to 1852